

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

JENNIFER A. JACKSON

PLAINTIFF

vs.

Civil No. 6:07-cv-06042

MICHAEL J. ASTRUE¹

DEFENDANT

Commissioner, Social Security Administration

MEMORANDUM OPINION

On October 3, 2007, Defendant filed a Motion to Remand. (Doc. No. 9). Plaintiff does not oppose this motion. (Doc. No. 10). The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (Doc. No. 4).² Pursuant to this authority, the Court issues this memorandum opinion and orders the entry of a final judgment in this matter.

Defendant requests a remand so that the Commissioner may conduct further administrative proceedings, update the record, and obtain new medical records or testing. (Doc. No. 9). Specifically, Defendant seeks a remand in order to accomplish the following:

On remand, the ALJ will hold a new hearing and will address and evaluate the weight of the opinions provided by the State agency psychological consultants in accordance with 20 C.F.R. § 416.1527(f). . . . develop and evaluate the evidence regarding Plaintiff's mental impairment. . . . recontact the claimant's treating source, Kenneth

¹ Michael J. Astrue became the Social Security Commissioner on February 12, 2007. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue has been substituted for acting Commissioner Jo Anne B. Barnhart as the defendant in this suit.

² The docket numbers for this case are referenced by the designation "Doc. No." The transcript pages for this case are referenced by the designation "Tr."

Vest, M.D., and request a medical source statement. If necessary, the ALJ may obtain a consultative mental status examination, and/or obtain medical expert evidence to assist in the evaluation of Plaintiff's mental impairments and any limitations that may result from her mental impairment.

(Doc. No. 9, Pages 1-2). This Court finds this motion is well-taken and should be granted. The Commissioner's decision is reversed, and this matter is hereby remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings. In addition, the undersigned finds that the Plaintiff's Complaint should be and hereby is dismissed without prejudice. Plaintiff may still, however, file a motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. This Court directs the ALJ to make additional findings on remand as are necessary to fully and adequately develop the record.

A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

ENTERED this 24th day of October, 2007.

/s/ Barry A. Bryant
Honorable Barry A. Bryant
United States Magistrate Judge